

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

International Brotherhood of Electrical Workers,
Local 601

and

Denk & Roche Builders, Inc.

CASE 25-CD-309957

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
International Brotherhood of Electrical Workers, Local 601

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

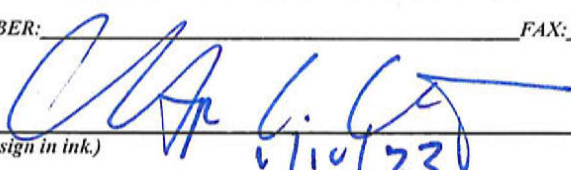
NAME: Christopher N. Grant

MAILING ADDRESS: Schuchat, Cook & Werner, 555 Washington Avenue, Ste. 520, St. Louis, MO 63101

E-MAIL ADDRESS: cng@scwattorney.com

OFFICE TELEPHONE NUMBER: (314) 621-2626

CELL PHONE NUMBER: _____ FAX: _____

SIGNATURE: 
(Please sign in ink.)

DATE: 6/10/23

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

From: [Christopher N. Grant](#)
To: [Johnson, Derek](#)
Cc: [Luke Klein](#); (b) (6), (b) (7)(C)
Date: Wednesday, January 11, 2023 6:40:43 PM

CAUTION: The sender of this message is external to the NLRB network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to [nlrbirc@nrlb.gov](mailto:nlrbcirc@nrlb.gov).

Derek,

Our firm will file a position statement on this case first thing Thursday morning. I will be in an arbitration most of the day. If you have questions, you can contact Luke Klein, another attorney at our office. I have copied Luke on this e-mail.

Chris Grant

From: Johnson, Derek <Derek.Johnson@nrlb.gov>
Sent: Wednesday, January 11, 2023 2:47 PM
To: Christopher N. Grant <cng@scwattorney.com>
Cc: Luke Klein <lak@scwattorney.com>
Subject: RE: IBEW Local 601 (Denk & Roche Builders), 25-CD-309957 -- request for response

CAUTION: This email and any attachments may contain Controlled Unclassified Information (CUI). National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

Chris,

I appreciate the suggestion, but my supervisor says we need to continue on the priority timeline. If it turns out the Regional Director wants to give the parties more time, I will let you know.

Derek

From: Christopher N. Grant <cng@scwattorney.com>
Sent: Wednesday, January 11, 2023 2:40 PM
To: Johnson, Derek <Derek.Johnson@nrlb.gov>
Cc: Luke Klein <lak@scwattorney.com>
Subject: RE: IBEW Local 601 (Denk & Roche Builders), 25-CD-309957 -- request for response

Derek,

I will address the internal charges in Local 601's position statement.

I have been authorized by Local 601 to tell the Region that Local 601 gives assurances that it will place the internal charge against (b) (6), (b) (7)(C) on hold and not pursue the internal charge further pending a resolution of this ULP charge. The Union gives these assurances without admitting any wrongdoing.

Do those assurances allow you to give us additional time to research this matter and present a position statement?

Chris Grant

From: Johnson, Derek <Derek.Johnson@nlrb.gov>
Sent: Wednesday, January 11, 2023 1:21 PM
To: Christopher N. Grant <cng@scwattorney.com>
Subject: FW: IBEW Local 601 (Denk & Roche Builders), 25-CD-309957 -- request for response

CAUTION: This email and any attachments may contain Controlled Unclassified Information (CUI). National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

Chris,

I wanted to briefly follow-up on our conversation from this morning. I do not believe we specifically discussed it, but I do think it is important that you address the internal charges brought against (b) (6), (b) (7)(C) (reference in my request below) in whatever response you provide to the charge. While I understand your position that this charge does not need the priority it has been given because no recent action has been taken, it is my understanding that (b) (6), (b) (7)(C) hearing was held within the past several weeks and that a judgment and fine have been issued against (b) (6), (b) (7)(C). While the Regional Director has not reviewed this case or made a determination, if such internal charges constitute sufficient unlawful coercion to support an 8(b)(4)(D) finding, their active and ongoing nature seems to support the need for the Board to take prompt action in this case.

As always, please feel free to contact me if you have any questions or want to discuss the case further.

Derek

Derek A. Johnson
(he/him/his)
Field Attorney
NLRB, Region 25
derek.johnson@nlrb.gov
phone: (317) 991-7642

Follow us on Twitter: [@NLRBGC](https://twitter.com/NLRBGC)/[@NLRB](https://twitter.com/NLRB) — En español: [@NLRBGCes](https://twitter.com/NLRBGCes)/[@NLRBes](https://twitter.com/NLRBes)
Like us on Facebook: [@NLRBGC](https://www.facebook.com/NLRBGC)/[@NLRBpage](https://www.facebook.com/NLRBpage)

CONFIDENTIALITY NOTICE: This email and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, any interception, copying, distribution, disclosure, or use of this transmission or information contained in it is strictly prohibited. If you have received this in error, please delete it and any attachments from your system without copying them and notify me immediately by return email so that our records can be corrected. Thank you!

From: Johnson, Derek

Sent: Tuesday, January 10, 2023 9:42 AM

To: (b) (6), (b) (7)(C) @ibew601.org

Subject: IBEW Local 601 (Denk & Roche Builders), 25-CD-309957 -- request for response

(b) (6), (b) (7)(C)

I have been assigned to investigate the above-referenced unfair labor practice charge. You should receive the attached letter and charge under separate cover, but I wanted to provide you with a copy here due to the expedited nature of the investigation. If you are having counsel represent IBEW Local 601 in this matter, please forward this email to them and have them contact me as soon as possible.

It is my understanding that Denk & Roche are alleging that Local 601 unlawfully attempted to force Pepper Construction and/or Denk & Roche to reassign the racking and mounting of solar panels on the Streator solar farm project from employees represented by the United Brotherhood of Carpenters to employees represented by the International Brotherhood of Electrical Workers. Among the allegedly unlawful tactics utilized by Local 601 were picketing on about October 10, the placement of a banner at the jobsite, and the filing of internal charges against a Pepper (b) (6), (b) (7)(C).

In order to expeditiously complete the investigation, and due to the priority nature of the charge, it is requested that all evidence you wish to submit in response to the charge be received by me by **January 11, 2023**. Specifically, please be sure to provide:

- a. a copy of all relevant collective bargaining agreements between IBEW Local 601 and Pepper Construction or Denk & Roche;
- b. a copy of all correspondence between Local 601 and Pepper Construction concerning the assignment of the racking and mounting of solar panels at the Streator solar farms project;
- c. a copy of all correspondence between Local 601 and Denk & Roche Builders concerning the assignment of the racking and mounting of solar panels at the Streator solar farms project;
- d. a copy of any banners or picket signs used by Local 601 at the Streator project, including the date(s) such banners or picket signs were utilized;
- e. a copy of all charges filed against (b) (6), (b) (7)(C), any evidence presented against (b) (6), (b) (7)(C) and the outcome or decision of any hearing held on such charges;
- f. a position statement responding to the specific allegations raised by the charge and as described above, including (1) whether the IBEW claims the work in dispute (the racking and mounting of solar panels), along with any documentation supporting such a claim, and (2) the reason(s) that internal charges were brought against (b) (6), (b) (7)(C) and
- g. any other relevant information or evidence.

I would also appreciate the opportunity to take a sworn affidavit from (b) (6), (b) (7)(C) and any other union official you feel has information relevant to this investigation. If you are willing to make union officials available for sworn affidavits, please let me know by (b) (6), (b) (7)(C) 2023, so that the necessary

arrangements can be made. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge.

Please be advised that, pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, electronically (E-Filing) through the Agency's web site (<http://www.nlr.gov/>). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. **FAILURE TO COMPLY WITH SECTION 102.5 WILL RESULT IN REJECTION OF YOUR SUBMISSION.** The Region will make its determination on the merits solely based on the evidence properly submitted. Additional information is available in memo [GC 20-01](#).

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me at (317) 991-7642.

Derek

Derek A. Johnson
(he/him/his)
Field Attorney
NLRB, Region 25
derek.johnson@nlrb.gov
phone: (317) 991-7642

Follow us on Twitter: [@NLRBGC](#)/[@NLRB](#) — En español: [@NLRBGCes](#)/[@NLRBes](#)
Like us on Facebook: [@NLRBGC](#)/[@NLRBpage](#)

CONFIDENTIALITY NOTICE: This email and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, any interception, copying, distribution, disclosure, or use of this transmission or information contained in it is strictly prohibited. If you have received this in error, please delete it and any attachments from your system without copying them and notify me immediately by return email so that our records can be corrected. Thank you!

JAMES I. SINGER*
SALLY E. BARKER
DEAN L. CHRISTIANSON*
RHONA S. LYONS*
LORETTA K. HAGGARD*
GEORGE O. SUGGS
CHRISTOPHER N. GRANT*
CLARE R. BEHRLE*
MATTHEW B. LEPPERT*
PATRICK K. SHINNERS*
NATALIE J. TEAGUE*
AMANDA K. HANSEN*
CHRISTIE R. DEATON*
LUCAS A. KLEIN*

SCHUCHAT COOK & WERNER
ATTORNEYS AT LAW

555 WASHINGTON AVENUE
SUITE 520
SAINT LOUIS, MISSOURI 63101

(314) 621-2626
FAX: (314) 621-2378

www.schuchatacw.net

OF COUNSEL:

MARILYN S. TETTELBAUM*

*also licensed in Illinois

January 12, 2023

VIA E-FILE

Derek Johnson
National Labor Relations Board
Region 25

Re: International Brotherhood of Electrical Workers, Local 601 (Denk & Roche Builders, Inc.), Case 25-CD-309957

Dear Mr. Johnson:

This law firm represents the Charged Party, IBEW, Local 601, in the above-captioned case. We spoke the morning of January 11, 2023 regarding this charge, and you asked for Local 601 to submit its position and evidence by early morning January 12.

The rushed nature of this investigation makes it impossible for Local 601 to gather all the relevant facts and present all arguments. Local 601 reserves the right to provide additional evidence and argument.

At issue is a solar development project, called the Streator Solar Development, located in LaSalle County, Illinois. The project involved the construction of three different solar fields, one called the Kernan site and the other two called LaSalle 1 & 2 sites. The fields are near each other, but not the same. They have separate entrances. Enclosed as Exhibit 1 is a map of the area, showing the fields and their separate entrances.

The State of Illinois incentivizes the development of solar farms through state law. Contractors are required by law to pay prevailing wages to their employees working on large solar jobs. See The Climate and Equitable Jobs Act of 2021, Public Act 102-0662.

Pepper Construction is the general contractor for the Streator Solar Development. On September 9, 2022, Pepper issued a letter, assigning certain work on the project (colloquially called "post, rack, and panel" work) to Carpenters-represented employees. This letter applied to both the Kernan site and to LaSalle 1 & 2 sites. As you have recounted to me, on September 16, 2022, Local 601 (b) (6), (b) (7)(C) sent an e-mail to Pepper disagreeing with the assignment, and stating that Local 601 may engage in a job action.

Pepper Construction self-performed the post, rack, and panel work on the Kernan site. It used its own employees. Pepper Construction subcontracted the post, rack and panel work on LaSalle 1 & 2 sites to Denk & Roche, which then employed some carpenters to do the work and possibly some temporary agency employees. Neither Pepper nor Denk & Roche are signatory with the IBEW.

On October 10, 2022, Local 601 erected a banner about 20 feet from the entrance to the Kernan site. The next day, the Union erected the banner by the same site again for a few hours. The banner was stationary and faced the road. Union agents stood by the banner and did not patrol back and forth. The banner stated "Pepper Construction is violating the area standards of this project. No other employer involved." The Union's belief is that Pepper's carpenters-represented employees performing post, rack, and panel work make less than IBEW-represented electricians who do that same type of work. Enclosed as Exhibit 2 is a picture of the banner at the site.. To Local 601's knowledge, no employees refused to enter the Kernan job site and none left.

After October 11, Local 601 took down the banner. It has not bannered there since. Local 601 did not place any banner (or for that matter picket) outside the LaSalle 1 & 2 sites at any time.

You mentioned on our phone call an allegation that on October 10 or 11, (b) (6), (b) (7)(C) went onto the LaSalle 1 & 2 job sites and claimed that IBEW-represented employees should be doing the post, rack, and panel work. It does not appear that the Charging Party is alleging that (b) (6), (b) (7)(C) made any inducements of employees to walk off the job or threats to picket or shut down the job. Further, (b) (6), (b) (7)(C) denies going onto the LaSalle 1 & 2 job sites on October 10 or 11 when the Union was bannering outside the Kernan job site.

On October 18, 2022, Local 601 (b) (6), (b) (7)(C) filed internal union charges against (b) (6), (b) (7)(C) alleging a violation of the IBEW Constitution. The charge relates to (b) (6), (b) (7)(C) employment with Pepper Construction and (b) (6), (b) (7)(C) work (b) (6), (b) (7)(C) Enclosed as Exhibit 4 is a copy of the charge.

Members have the right to file charges against other members and may make all sorts of allegations in a charge. The Local 601 trial board held a hearing on the charge in (b) (6), (b) (7)(C) 2022 and took evidence. The trial board has not drafted or issued to date a formal ruling. It is Local 601's understanding that (b) (6), (b) (7)(C) has since quit Pepper Construction for other reasons and has returned to (b) (6), (b) (7)(C)

On October 28, the Union filed prevailing wage complaints with the Illinois Department of Labor, against Pepper and Denk & Roche, for paying less than the required prevailing wage to employees. The Department of Labor sets prevailing wage rates based on "work of a similar character on public works in the locality in which the work is performed under collective bargaining agreements or understanding between employers or employer associations and bona fide labor organizations relating to each craft or type

of worker or mechanic needed to execute the contract or perform such work." 820 ILCS 130/4(a). It is not clear what rate employers are supposed to pay employees performing post, rack, and panel work – whether the carpenter rate, electrician rate, ironworker rate, laborer rate, or something else – and that is a matter of great dispute among unions, developers, and employers. Under the Illinois Prevailing Wage Law, Local 601 has the right to file a complaint against an employer alleging a violation, which then triggers an investigation by the Illinois Department of Labor on what rate the employer should pay employees doing that work (which may or may not be the electrician's rate) and whether the employer is paying those employees the correct prevailing wage rate. Enclosed as Exhibit 3A and 3B are copies of the complaints against Pepper and Denk & Roche. To Local 601's understanding, the Department is still investigating the complaints.

Work at the Kernan site and the LaSalle 1 & 2 sites is on-going. Local 601 believes the work will be finished in 4-6 weeks.

The ULP charge filed by Denk & Roche alleges a violation of Section 8(b)(4)(D). Local 601 requests the Region to dismiss the charge for the following reasons: .

First, the statement about "job action" sent to Pepper Construction fairly covers lawful union activity such as bannering. The e-mail did not threaten to "picket" or to "shut down the job." As covered below, Local 601 has the right to use a banner to educate the public about an area standards dispute, and a union saying that it may engage in action that arguably includes protected free speech is not an unlawful threat.

Second, there was a significant hiatus between the September 16 e-mail to Pepper and the October 10 bannering by the Kernan job site. Even when a union has made a demand or request of an employer for a statutorily-proscribed objective, and then pickets the employer soon thereafter for a purported-area standards purpose, "the briefness of the hiatus is in and of itself not sufficient to permit an inference that there is a continuing [proscribed] object." *United Assoc. of Journeymen and Apprentices (Streimer II)*, 323 NLRB 1101, 1112 (1997). Here, Local 601 waited over three weeks, which was sufficient time for any unlawful objective to dissipate. The Region should not presume that any jurisdictional objective communicated on September 16 carried over to October 10.

Third, Local 601's banner, erected outside the Kernan site, was not an unlawful inducement or picket within the meaning of Section 8(b)(4). The NLRB has repeatedly upheld a union's display of stationary banners as protected free speech. A message directed to the public is not a threat or signal. See *Carpenters Local No. 1506 (Eliason & Knuth of Arizona Inc.)*, 355 NLRB 797 (2010). Even if (b) (6), (b) (7)(C) went onto the LaSalle 1 & 2 job sites on October 10 or 11, which (b) (6), (b) (7)(C) denies, the Charging Party does not allege that (b) (6), (b) (7)(C) encouraged employees to cease work or sought to threatened or coerce them to leave. In this regard, the Union is not aware of any employees leaving any of the job sites or refusing to enter any of the job sites.

Fourth, Local 601's banner was directed toward Pepper, not Denk & Roche, and communicated a lawful area standards message. The banner did not demand that

Pepper change any work assignments. The banner specifically stated that no other employer was involved. The NLRB may not infer an impermissible jurisdictional objective to a union's area standards message. See *Streimer II*, 323 NLRB at 1112 (finding area-standards messaging protected and insulated by Section 2(13) of the Act); see also *Operative Plasters & Cement Masons Int'l Union Local 891*, GC Memo, Cases Nos. 5-CD-325 and 5-CD-326 (July 20, 2010) ("It is well settled that a union does not violate Section 8(b)(4)(D)'s prohibitions by engaging in area standards picketing, even though it is fair to assume that the union would prefer that the work at issue be performed by employees whom it represents at area standards wages."). Local 601 believed that that Pepper was and is paying its carpenters-represented employees less than the IBEW established rate in the area for post, rack and panel work. See, e.g., *IBEW (Southern Sun Elec. Corp.)*, 242 NLRB 1130, 1131 (1979) (a union's past familiarity with wages and benefits paid by an employer can provide a reasonable basis for an assumption that the wages and benefits paid at a specific job site are substandard). No inference of a proscribed object can be drawn from the failure of Local 601 to "determine with precision the economic conditions contained in [the] agreement." *Id.* In fact, Pepper did not in response to the banner deny to Local 601 that it paid its carpenters less than IBEW area standards.

Fifth, a union has the right to file prevailing wage complaints with state agencies. As noted, it is a matter of some dispute as to whether an employer should pay an employee the carpenters rate, or the electrician's rate, or the ironworker's rate, or some other rate for performing post, rack, and panel work on a prevailing wage job. You mentioned in our phone call that Local 601 may be using the complaints as a form of pressure. But, unions have the right to petition government, alleging violations by employers of the law. Absent a sham petition, not claimed here, using Local 601's right to file a complaint against it would violate the First Amendment. *Venetian Casino Resort, L.L.C. v. NLRB*, 793 F.3d 85, 90 (D.C. Cir. 2015) ("Under the *Noerr-Pennington* doctrine as it applies in the labor law context, [union] conduct that would otherwise be illegal may be "protected by the First Amendment when it is part of a direct petition to government.")

Sixth, the internal union charges filed by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) against (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) is not a form of unlawful secondary coercion. (b) (6), (b) (7)(C) worked for Pepper. A union may violate Section 8(b)(1)(B) by fining a member who works for a neutral employer with an object of forcing or requiring the neutral to cease doing business with a primary. See, e.g., *Ventura County District Council of Carpenters (Commercial Industrial Contractors, Inc.)*, 259 NLRB 541 (1981). On the other hand, a union is within its rights to discipline a member for working for a primary employer, when the member does not perform collective bargaining or grievance adjustment duties or when the union does not have a collective bargaining relationship with the employer. See *Florida Power & Light Co. v. Electrical Workers IBEW Sys Council U-4*, 417 U.S. 790 (1974) (union may discipline supervisor for performing struck work); *NLRB v. Electrical Workers (IBEW) Local 340*, 481 U.S. 573 (1987) ("union discipline directed at supervisor-members without § 8(b)(1)(B) duties, working for employers with whom the union neither has nor seeks a collective-bargaining relationship, cannot and does not" violate the Act); see also *NLRB v. Sheet Metal Workers Local 104*, 64 F.3d 465 (9th Cir. 1995) (union's fine against

member for assigning work to the wrong type of worker does not violate Section 8(b)(1)(B) because the assignment of work does not involve contract interpretation and thus does not involve collective bargaining or grievance adjustment duties). The internal charge here is not against an employee who worked for Denk & Rouche. Rather, it is more akin to an internal charge against a member who works for a primary or non-signatory employer. Furthermore, the evidence suggests that (b) (6), (b) (7)(C) is responsible for (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) not for collective bargaining or grievance adjustment. At any rate, it is premature to say that Local 601 is using internal discipline to coerce a neutral. A member can allege what (b) (6), (b) (7)(C) wants in an internal charge. But, the trial board has not issued a formal decision against (b) (6), (b) (7)(C) setting forth the basis for any discipline. The Region should not jump to conclusions about the objective of the charge until the trial board issues a formal decision.¹

In conclusion, Local 601 requests the Region to dismiss the charge. If you have any further questions or requests, feel free to contact me.

Sincerely,

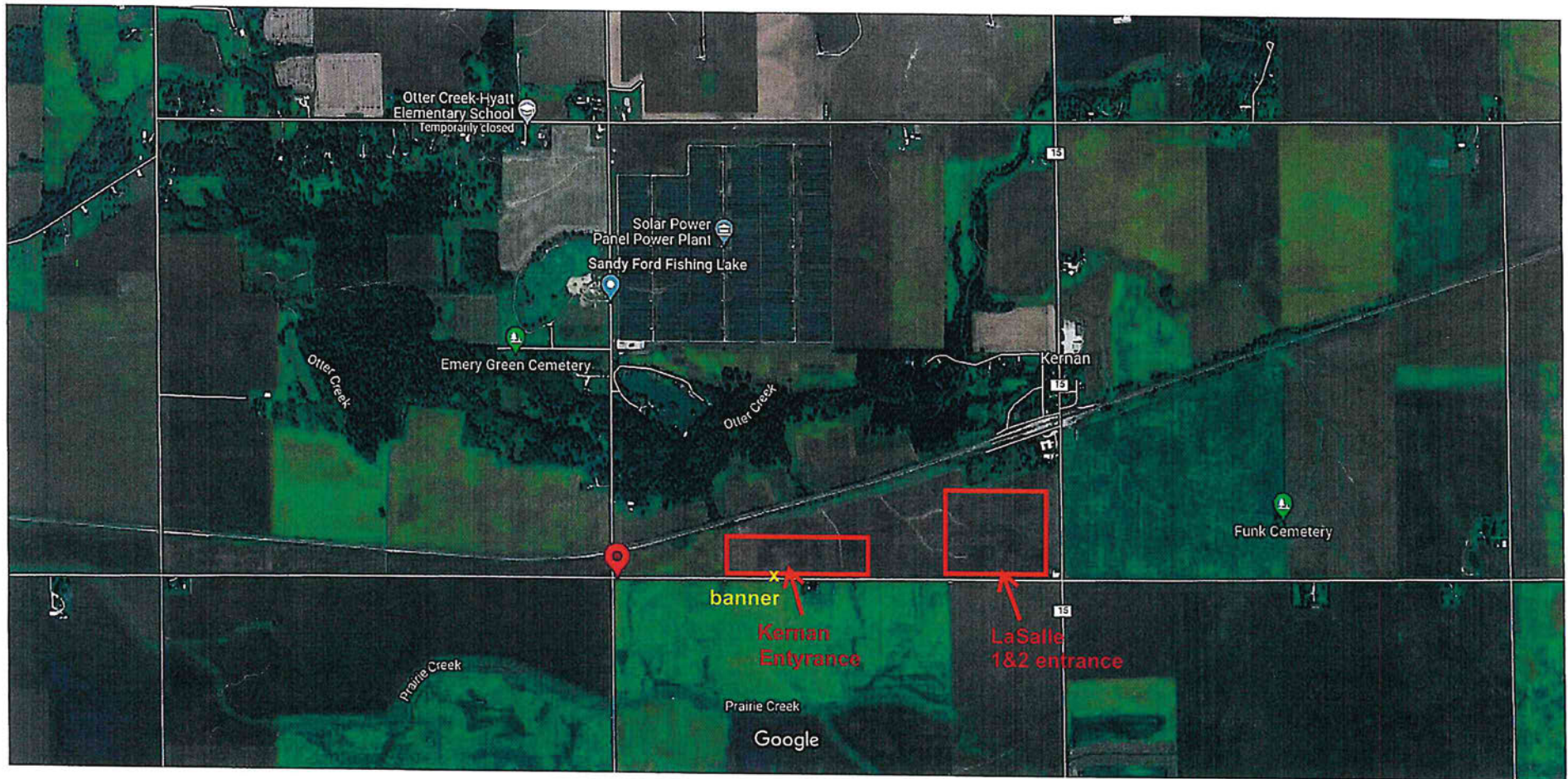
Chris Grant (b) (6), (b) (7)(C)
Chris Grant

Enc: Un. Exs. 1-4

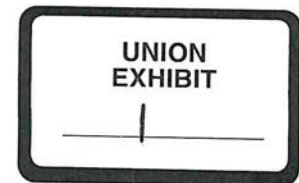
Cc: (b) (6), (b) (7)(C) IBEW, Local 601, via e-mail

898100.docx

¹ Local 601 has also given the Region written assurances, without admitting any wrong-doing, that it will not pursue the charge any further pending resolution of this ULP charge.



Imagery ©2023 Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 1000 ft





UNION
EXHIBIT

2



Illinois Department Of Labor
160 North LaSalle Street, Ste 1300
Chicago, Illinois 60601

DOL.PWD@illinois.gov
<http://labor.illinois.gov/>

ILLINOIS PREVAILING WAGE COMPLAINT FORM

Section A: Complainant Information

Name (b) (6), (b) (7)(C) Title (b) (6), (b) (7)(C)
Organization IBEW 601
Address 3301 N Boardwalk Dr Address2 _____
City Champaign State IL ZIP Code 61822
Daytime Phone 217-352-1741 Fax Number 217-352-9210 Email (b) (6), (b) (7)(C)@ibew601.or

Section B: Contractor/Project Information

Name of Company Pepper Construction
Owner _____ ☒ General Contractor ☐ Sub-Contractor
Address 643 North Orleans St Address2 _____
City Chicago State _____ ZIP Code 60654-3608
Daytime Phone 312-266-4700 Fax Number _____ Email _____
Project/Contract Number Kernan Community Solar County LaSalle
Location of Project Corner of N 14th Rd & E 22nd Rd
City Kernan State IL ZIP Code 61364
Describe Work Performed Solar Panel racking and panel installation
Is Work Currently Being Performed? ☒ Yes ☐ No If No, Date Project Completed _____

Section C: Public Body Information

Public Body Illinois Commerce Commission's Final Order in Docket No (b) (6), (b) (7)(C) Administrator _____
Address _____ Address2 _____
City _____ State _____ ZIP Code _____
Daytime Phone _____ Fax Number _____ Email _____

Section D: Description of Violation

PLEASE EXPLAIN WHY YOU BELIEVE THERE WAS A VIOLATION

based on interviews on the job site this contractor is underpaying people to preform electric work

Did You Observe The Worksite? ☒ Yes ☐ No If Yes, Give Dates 10/11/2022
Number Of Workers 12 Classifications _____

SUPPORTING DOCUMENTATION (PLEASE SUBMIT WITH COMPLAINT FORM - COMPLAINTS FILED WITHOUT SUFFICIENT DOCUMENTATION MAY BE DISMISSED)

☒ Employee Interviews ☐ Check Stubs ☐ Pictures/Video ☐ Notes/Observations ☐ Bidding Reports ☐ Public Body Docs
☐ Corporate Search ☐ Affidavits ☐ Project Mgr Reports ☐ Meeting Minutes ☐ News Articles ☐ Payroll/Time Logs

Other (describe) _____

Section E: Signature (b) (6), (b) (7)(C)

Signature (b) (6), (b) (7)(C) Date 10/28/22

UNION
EXHIBIT

3A



Illinois Department Of Labor
160 North LaSalle Street, Ste 1300
Chicago, Illinois 60601

DOL.PWD@illinois.gov
http://labor.illinois.gov/

ILLINOIS PREVAILING WAGE COMPLAINT FORM

UNION
EXHIBIT

33

Section A: Complainant Information

Name **(b) (6), (b) (7)(C)** Title **(b) (6), (b) (7)(C)**
Organization IBEW 601
Address 3301 N Boardwalk Dr Address2 _____
City Champaign State IL ZIP Code 61822
Daytime Phone 217-352-1741 Fax Number 217-352-9210 Email **(b) (6), (b) (7)(C)**@ibew601.or

Section B: Contractor/Project Information

Name of Company Denk & Roche Builders, Inc
Owner **(b) (6), (b) (7)(C)** ☐ General Contractor ☒ Sub-Contractor
Address 400 Country Club Dr Address2 _____
City Bensenville State IL ZIP Code 60106
Daytime Phone 630-521-1025 Fax Number _____ Email _____
Project/Contract Number LaSalle 1 & 2 Community Solar County LaSalle
Location of Project Corner of N 14th Rd & E 22nd Rd
City Kernan State IL ZIP Code 61364
Describe Work Performed Solar panel racking and panel installation
Is Work Currently Being Performed? ☒ Yes ☐ No If No, Date Project Completed _____

Section C: Public Body Information

Public Body Illinois Commerce Commission's Final Order in Docket No. **(b) (6), (b) (7)(C)** Administrator _____
Address _____ Address2 _____
City _____ State _____ ZIP Code _____
Daytime Phone _____ Fax Number _____ Email _____

Section D: Description of Violation

PLEASE EXPLAIN WHY YOU BELIEVE THERE WAS A VIOLATION

based on interviews on the job site this contractor is underpaying people to preform electric work

Did You Observe The Worksite? ☒ Yes ☐ No If Yes, Give Dates 10/11/22
Number Of Workers 12 Classifications _____

SUPPORTING DOCUMENTATION (PLEASE SUBMIT WITH COMPLAINT FORM - COMPLAINTS FILED WITHOUT SUFFICIENT DOCUMENTATION MAY BE DISMISSED)

☒ Employee Interviews ☐ Check Stubs ☐ Pictures/Video ☐ Notes/Observations ☐ Bidding Reports ☐ Public Body Docs
☐ Corporate Search ☐ Affidavits ☐ Project Mgr Reports ☐ Meeting Minutes ☐ News Articles ☐ Payroll/Time Logs

Other (describe) _____

Section E: Signature **(b) (6), (b) (7)(C)**

Signature **(b) (6), (b) (7)(C)** Date 10/28/22

(b) (6), (b) (7)(C)

October 18, 2022

(b) (6), (b) (7)(C) IBEW 601

3301 N. Boardwalk Dr.

Champaign, IL. 61826

Dear (b) (6), (b) (7)(C)

I, (b) (6), (b) (7)(C) card # (b) (6), (b) (7)(C) a member of IBEW 601, hereby prefer charges against (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) card # (b) (6), (b) (7)(C) a member of IBEW local #150 whose last known address being (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) for violating the following.

IBEW Constitution Article XXV, Section 1, subsections (a, e, f, g)

The violations occurred as follows: (b) (6), (b) (7)(C) acting in a (b) (6), (b) (7)(C) roll for Pepper Construction/ Pepper Energy at 3 solar sites near Kernan, IL. knowingly ignored the fact that Pepper Construction assigned the rack and solar paneling installation to the UBC (Carpenters Union and Denk & Roche Construction). Furthermore, (b) (6), (b) (7)(C) willfully (b) (6), (b) (7)(C) which, I believe causes members of IBEW economic harm.

Faternally yours,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) card # (b) (6), (b) (7)(C)

UNION
EXHIBIT

31